

# Notice of Allowability

Application No.

09/601,279

Examiner

Cheryl Juska

Applicant(s)

SCHULTE

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment C (After Final) filed on June 18, 2003.
2. ☒ The allowed claim(s) is/are 7-15 and 17.
3. ☒ The drawings filed on 31 July 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                  |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mark Bicks on July 23, 2003.

3. The application has been amended as follows:

a. In the substitute specification filed January 7, 2003, page 4, replace the paragraph of lines 1-3 with the following:

Textile materials in the form of felts or fleeces can be provided as the backside of the carpet. Also, a loose leno weave breaker fabric, a flat smooth stitch knitted blank[, as found in] or non-woven textiles or materials can be used.

b. In the substitute specification, page 5, lines 12-13, delete "other so-called".

c. In claim 11, insert before 'weave' the phrase -loose leno—.

d. In claim 12, insert before 'knit', the word -flat—.

e. Cancel claim 16.

### *Reasons for Allowance*

4. Amendment C, filed on June 18, 2003 has been entered. Claims 7, 11, 12, and 16 have been amended as requested.

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5. Amendment C is sufficient to withdraw the 112, 1<sup>st</sup> and 2<sup>nd</sup> rejections of claim 7, as set forth in sections 10 and 15, respectively, of the last Office Action. Additionally, the marked-up copy of the substitute specification which was mailed with Amendment C, is sufficient to withdraw the objection to the specification, as set forth in sections 4 and 5 of the last Office Action. Furthermore, the provisional double-patenting rejection, set forth in sections 6-8, is hereby withdrawn since the instant application will be the first application to issue.

6. The above examiner's amendment is made to overcome the 112, 1<sup>st</sup> and 2<sup>nd</sup> rejections set forth in sections 11, 12, 16, and 17 of the last Office Action. In particular, the specification has been amended to show the equivalency of the terms "loose breaker fabric" and "smooth right/left stitching," which were cited in the original translations of the specification, with the claim language of "loose leno weave" and "flat knit." Support for said amendments can be found in the prior art. For example, US 3,593,840 teaches a breaker fabric of a loose nylon leno weave, while US 3,556,465 teaches "a loosely woven fabric" is "known in the trade as 'breaker cloth.'" Similarly, US 5,350,388 teaches left and right stitches are conventional knitting stitches, while, the abstract translation of DD 290 447 A teaches flatbed knitting machines can produce flat knit fabrics having right/left knit stitches.

7. Additionally, claim 16 has been cancelled to overcome the 112, 1<sup>st</sup> and 2<sup>nd</sup> rejections. Furthermore, the specification has been amended to clarify that the leno weave and flat knit fabrics are not themselves classified as nonwovens, but that, in addition to said woven and knit fabrics, nonwoven fabrics may be suitable for the invention.

8. Thus, Amendment C and the above examiner's amendment are sufficient to withdraw all the outstanding objections and rejections. As indicated in the first Office Action, non-final

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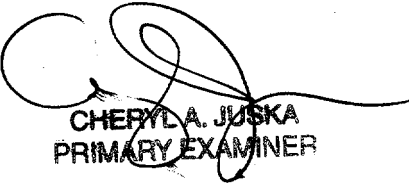
rejection, the claims contain allowable subject matter. Specifically, a carpet installation comprising a carpet and an underlay material, wherein said carpet has a loopless backing which engages with a hooked surface of said underlay material, is known in the art, as evidenced by DE 195 32 685 issued to Leopold. Additionally, the claimed "micro-adhesive closing" is known in the art, as evidenced by DE 196 46 318 issued to Hammer. However, the prior art does not teach hooked materials having heads with concave depressions having adhesive therein for additional bonding to a loopless material. Therefore, claims 7-15 and 17 are allowed.

### *Conclusion*

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Cheryl Juska whose telephone number is 703-305-4472. The Examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
CHERYL A. JUSKA  
PRIMARY EXAMINER

cj  
July 23, 2003